

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 10

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** JOHN CLARENCE ENDICOTT, STEVEN JAY MUNROE  
and ROBERT PETER RESCH

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Appeal No. 2002-0276  
Application 09/033,614

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ON BRIEF

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Before KRASS, JERRY SMITH, and FLEMING, **Administrative Patent Judges.**

FLEMING, **Administrative Patent Judge.**

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 7, 9, 11 and 13. Claims 8, 10, 12 and 14 are objected to for depending upon a rejected claim. Claims 1 through 6 have been canceled.

### **Invention**

The invention relates to Object Oriented Programming. See page 1 of Appellants' specification. The two fundamental concepts of Object Oriented Programming are "encapsulation" and "reusability". Encapsulation means that information and the means for using the information are conceptually packaged into individual entities call "objects." The objects represent individual operations or groups of operations that can be performed by a computer system. The information contained in an objected is called data and the means used to perform a particular operation upon the information is called a method. Reusability means that the objects are made sufficiently generic so that they can be used by methods of other objects. See page 2 of Appellants' specification. Objects are also considered to be members of a particular "class" of objects. See page 3 of Appellants' specification. Appellants' invention is an enhanced object-oriented mechanism that is used to change a specific object instance from being a member of one class to being a member of another class. See pages 26 and 27 of Appellants' specification as well as figures 10A and 10B.

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Independent claim 7 is representative of Appellants' invention and is reproduced as follows:

7. A method for modifying an object instance, said object instance being a member of a first class, said method comprising the step of:

changing said object instance such that said object instance is a member of a second class.

#### **Reference**

The reference relied on by the Examiner is as follows:

Conner et al. (Conner)                      5,361,350                      Nov. 1, 1994

#### **Rejection at Issue**

Claims 7, 9, 11 and 13 stand rejected under 35 U.S.C. § 102 as being anticipated by Conner.

#### **OPINION**

With full consideration being given to the subject matter on appeal, the Examiner's rejection and the arguments of Appellants and the Examiner, for the reasons stated **infra**, we reverse the Examiner's rejection of claims 7, 9, 11 and 13 under 35 U.S.C. § 102.

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. **See In re King**, 801 F.2d 1324, 1326, 231 USPQ 136,

138 (Fed. Cir. 1986) and **Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.**, 703 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

Appellants state that claims 7, 9, 11 and 13 generally call for: 1) an object instance that is a member of a first claims; and 2) change said object instance such that the object instance is a member of a second class. Appellants argue that Conner does not disclose a mechanism that changes an object instance that is a member of the first class to be a member of a second class. Appellants argue that the Examiner erred in relying on Conner's disclosure of an initialization for a teaching of modification.

Upon our review of Conner, we note that Conner teaches in column 28, lines 56 through 68 that a generic class object is created by initializing a default value at block 720 and then is initialized for a particular new class. Upon our review of the reference as a whole we find that Conner's passage would only teach to those skilled in the art that a memberless object is made a member of a new class. However, we fail to find any teaching in Conner of a method or apparatus for modifying an object instance, where the object instance is a member of a first class and than changing said object instance such that said

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object instance is a member of a second class as recited in  
Appellants' claims.

In view of the foregoing, we have not sustained the  
Examiner's rejection of claims 7, 9, 11 and 13 under 35 U.S.C.  
§ 102 as being anticipated by Conner.

**REVERSED**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
JERRY SMITH	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
MICHAEL R. FLEMING	)	
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